

- Exhibit A*
- 3) Information provided by the undersigned attorney's assistant regarding delivery attempts to Mr. DeVolk require a declaration from the assistant.

To address the above-identified deficiencies, Applicant submits the following:

- 1) Newly executed declarations listing citizenship, last-known residences and postal addresses for each inventor;
- 2) Facts to show proof of delivery and acceptance of the subject application and declaration as to Messrs. Broseghini, Johnson and Burchfield; and
- 3) Facts to show diligent effort to find and deliver the subject application and declaration to Mr. DeVolk.

I, Todd A. Bynum, the undersigned attorney of record have first-hand knowledge of the following facts presented in support of this renewed petition. Facts in direct response to the Decision are presented below the facts repeated from Applicant's original petition, which are relevant to the current petition, and are preceded by statements from the DECISION, which are presented in **bold text**:

1. The named inventors of the above-identified application are:

Ben Jones
Scott Dupuie
Jeff Blackburn
Richard A. Johnson
Michael L. Abrams
James Broseghini
Mauricio A. Zavaleta
Mark E. Burchfield
Roger Maher
Burton A. DeVolk
Frank Mayo

2. Following is a list of inventors, along with the last known address of each, who have not signed the substitute Oath/Declaration in the application:

Burton Devolk
8801 Ranch Road 620 North
Austin, Texas 78726-3500

Richard Johnson
311 Larkspur Circle
Buda, Texas 78610

James Broseghini
6901 Fence Line Drive
Austin, Texas 78749

Mark Burchfield
9901 Mariah Cove
Austin, Texas 78746

3. The present application is a national stage application based on PCT Application No. PCT/US00/40038, which names Input/Output, Inc. (I/O) as an Applicant.
4. The PCT application was prepared and filed on behalf of the inventors and I/O by Mr. Todd Mattingly of the firm Haynes & Boone, L.L.P.
5. At the request of I/O, the firm of Madan, Mossman & Sriram ("the Firm") was asked to prepare necessary national stage patent applications based upon the PCT application identified in paragraph 3 above.
6. The Firm prepared the above identified national stage patent application and filed the application based on the PCT application.
7. To protect the interests of I/O, the Firm filed the application for a United States Letters Patent on September 12, 2001. The application was assigned Ser. No. 09/936,630.
8. I, the undersigned attorney with the Firm, was assigned the task of filing and continuing prosecution of the above-identified national stage utility application including obtaining executed declarations from the inventors.
9. Upon receipt of a Notice of Missing Requirements from the Patent and Trademark Office, the Firm contacted I/O to obtain current addresses for each named inventor, because most had left the employ of I/O.
10. I sent the application and a substitute declaration listing each inventor along with the citizenship, post office address and residence of each inventor to each inventor identified in paragraph 1 above and received executed declarations from all inventors,

with the exception of the non-signing inventors listed in paragraph 2 above. Mr. Burchfield signed the original declaration, but did not return the substitute declaration. Copies of the signed documents are attached as EXHIBIT A.

In the DECISION, the Patent office objects to the declaration filed with the original petition as failing to list the citizenship, post office address and residence for each non-signing inventor and as not providing a complete list of inventors and citizenship in each delivered declaration.

- 10a. The substitute declaration listing all inventors, the citizenship of each inventor, the post office address and residence of each inventor, and the application was sent to all inventors listed in paragraph 1. Thus, all signing inventors are aware of the names of all inventors in the application, including the non-signing inventors. In this renewed petition, EXHIBIT A includes complete declarations from each signing inventor. The signing inventors and respective dates of signing the substitute declaration are:

<u>Inventor</u>	<u>Date of Declaration</u>
Ben Jones	March 4, 2003
Scott T. Dupuie	March 10, 2003
Jeffrey Allen Blackburn	February 24, 2003
Michael L. Abrams	April 20, 2003
Mauricio A. Zavaleta	February 28, 2003
Roger Maher	February 24, 2003
Frank Mayo	March 10, 2003

11. The Firm made several attempts to locate the non-signing inventors and to effect delivery of the application to the non-signing inventors. With the exception of Mr. DeVolk, all other non-signing inventors took receipt of the application and declaration (the review package) as shown by signature on mail receipts provided in EXHIBIT B.

In the Decision, the patent office requires proof that Mr. Broseghini actually took receipt of the review package and that the review package was delivered to and received by Mr. Johnson.

- 11a. I sent the review package to Messrs Broseghini, Johnson, DeVolk and Burchfield by certified mail. Exhibit B shows that Messrs Broseghini, Johnson and Burchfield took

delivery of the review package. Mr. Mark E. Burchfield signed the original Declaration on December 31, 2001. And that Declaration was submitted in the previous petition. The substitute declaration was delivered to and received by Mr. Burchfield on March 8, 2003. To date, Messrs Broseghini, Johnson and Burchfield have not returned an executed Declaration or otherwise responded to our request for joining the application.


In the DECISION, the patent office states that as to Mr. DeVolk that the facts attributed to the undersigned attorney's assistant should be presented in the form of a declaration by the assistant.

- 11b. I directed my assistant to contact Applicant company Input/Output, Inc. (I/O) to determine the address of Mr. DeVolk. A declaration by the undersigned attorney's assistant, Mrs. Lee Brevard, is submitted herewith as EXHIBIT C to show attempts to obtain the location of and to contact to Mr. DeVolk. That declaration shows the last-known address of Mr. DeVolk, which is identified above in paragraph 2. The review package was sent to the last known address identified in paragraph 2, and was returned unopened citing that the address was insufficient. As stated in the previous petition, I attempted to confirm the alternate addresses using several internet searches and engines. No other telephone number could be found for Mr. DeVolk. I believe the address in paragraph 2 to be Mr. DeVolk's last known address. I believe that we have used diligence in attempting to locate Mr. DeVolk and that we are unable to locate Mr. DeVolk.
12. Response to the Notice to File Missing Requirements was originally due on February 4, 2002.
13. In order to protect the interests of I/O, Petitioner respectfully requests that the application be accepted on behalf of the non-signing inventors by the signature of all other signing inventors identified in Paragraph 1 above.

No fee is believed to be due for this renewed petition. A request for an extension of time and the associated fee are submitted herewith. The Commissioner is authorized to charge any under payment or credit any overpayment associated with this communication to Deposit Account No. 13-0010 (IO-1009US).

Respectfully submitted,

Date: May 9, 2003


Todd A. Bynum
Registration No. 39,488
MADAN, MOSSMAN & SRIRAM, P.C.
2603 Augusta Drive, Suite 700
Houston, Texas 77057-5638
Telephone: (713) 266-1130
Facsimile: (713) 266-8510

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I do hereby certify that this correspondence, along with any referred to as attached or enclosed, is being deposited with the United States Postal Service on this 9th day of May, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV322405399US** addressed to: Mail Stop: PCT, Office of PCT Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Lee Brevard

Exhibit B

MADAN, MOSSMAN & SRIRAM, P.C.
ATTORNEYS AT LAW

Paul S. Madan
K. P. Sriram
David L. Mossman
G. Michael Roebuck
Todd A. Bynum
W. Allen Marcontell
Gene L. Tyler
William E. Schmidt
David A. Walker
Chandran D. Kumar
Shawn K. Hunter
Sally J. Oliver, Of Counsel

February 20, 2003

Mr. Burton A. Devolk
8801 Ranch Road 620 North
Austin, Texas 78726-3500

Re: U.S. Patent Application No. 09/936,630
"Sensor"
Our Ref: IO-1009US

Dear Mr. Devolk:

You are listed as a co-inventor to the referenced application, but we still have not received an executed Declaration and Power of Attorney from you.

Enclosed is a Substitute Declaration and Power of Attorney which has been requested by the U.S. Patent Office for this application, along with a copy of the application as filed. We would appreciate your signature and returning the original document to us as soon as possible. Your signature on this document will assist us in further prosecution of the U.S. application. If you do not wish to join in this application, please sign below and send a copy of this letter for our files. Your help in this matter is greatly appreciated.

If you should have any questions, you can contact me directly by e-mail address tbynum@madanlaw.com or by calling 713/266-1130 Ext. 113.

Very truly yours,


Todd A. Bynum

/lee
Encls: As Noted

Refuse to Join: _____
Date: _____

cc: Mr. Randy Schwartz (w/o encls)

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7000 0520 0023 5189 6248

170
8330 \$ 12.10
3593 MAIL PERMIT NO. 77074
FEB 20 03
PR 8671918

7000 0520 0023 5189 6248

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 12.10

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

PS Form 3800, February 2000

See Reverse for Instructions

Madan, Mossman & Sriram, P.C.
2603 Augusta, Suite 700
Houston, TX 77057-5640

Mr. Burton A. Devolk
8801 Ranch Road 620 North
Austin, TX 78726-3500



MADAN, MOSSMAN & SRIRAM, P.C.
ATTORNEYS AT LAW

*Paul S. Madan
K. P. Sriram
David L. Mossman
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Gene L. Tyler
William E. Schmidt
David A. Walker
Chandran D. Kumar
Shawn K. Hunter
Sally J. Oliver, Of Counsel*

February 20, 2003

Mr. James Broseghini
6901 Fence Line
Austin, Texas 78749

Re: U.S. Patent Application No. 09/936,630
"Sensor"
Our Ref: IO-1009US

Dear Mr. Broseghini:

You are listed as a co-inventor to the referenced application, but we still have not received an executed Declaration and Power of Attorney from you.

Enclosed is a Substitute Declaration and Power of Attorney which has been requested by the U.S. Patent Office for this application, along with a copy of the application as filed. We would appreciate your signature and returning the original document to us as soon as possible. Your signature on this document will assist us in further prosecution of the U.S. application. If you do not wish to join in this application, please sign below and send a copy of this letter for our files. Your help in this matter is greatly appreciated.

If you should have any questions, you can contact me directly by e-mail address tbynum@madanlaw.com or by calling 713/266-1130 Ext. 113.

Very truly yours,


Todd A. Bynum

/lee
Encls: As Noted

Refuse to Join: _____
Date: _____

cc: Mr. Randy Schwartz (w/o encls)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) <i>Brasaglini</i> B. Date of Delivery	
1. Article Addressed to: <i>James Brasaglini</i> <i>6901 Fence Line</i> <i>Austin, TX 78749</i>		C. Signature <i>X J Brasaglini</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <input checked="" type="checkbox"/> Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
2. Article Number (Copy from service label) <i>7000-0520-0023-5189-6323</i>			
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952			

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
<div style="display: flex; justify-content: space-between;"> <div> Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees <i>\$12.10</i> </div> <div> Postmark Here <i>12.10</i> </div> </div>	
Recipient's Name (Please Print Clearly) (To be completed by mailer)	
Street, Apt. No.; or PO Box No.	
City, State, ZIP+4	
PS Form 3800, February 2000 See Reverse for Instructions	

MADAN, MOSSMAN & SRIRAM, P.C.
ATTORNEYS AT LAW

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Gene L. Tyler
William E. Schmidt
David A. Walker
Chandran D. Kumar
Shawn K. Hunter
Sally J. Oliver, Of Counsel*

February 20, 2003

Mr. Richard A. Johnson
311 Larkspur Circle
Buda, Texas 78610

Re: U.S. Patent Application No. 09/936,630
"Sensor"
Our Ref: IO-1009US

Dear Mr. Johnson:

You are listed as a co-inventor to the referenced application, but we still have not received an executed Declaration and Power of Attorney from you.

Enclosed is a Substitute Declaration and Power of Attorney which has been requested by the U.S. Patent Office for this application, along with a copy of the application as filed. We would appreciate your signature and returning the original document to us as soon as possible. Your signature on this document will assist us in further prosecution of the U.S. application. If you do not wish to join in this application, please sign below and send a copy of this letter for our files. Your help in this matter is greatly appreciated.

If you should have any questions, you can contact me directly by e-mail address tbynum@madanlaw.com or by calling 713/266-1130 Ext. 113.

Very truly yours,


Todd A. Bynum

/lee
Encls: As Noted

Refuse to Join: _____
Date: _____

cc: Mr. Randy Schwartz (w/o encls)

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) SANDRA JOHNSON B. Date of Delivery 2-26-03	
1. Article Addressed to: Richard A. Johnson 311 Lakeside Circle Buda, TX 78610		C. Signature X <i>Sandra Johnson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No YES, enter delivery address below:	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
2. Article Number (Copy from service label) 9000-0520-0023-5189-6316			
PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952	

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$12.10		Postmark Here
Recipient's Name (Please Print Clearly) (To be completed by mailer) Street, Apt. No.; or PO Box No. City, State, ZIP+ 4		

PS Form 3800, February 2000 See Reverse for Instructions

MADAN, MOSSMAN & SRIRAM, P.C.
ATTORNEYS AT LAW

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Todd A. Bynum
W. Allen Marcontell
Gene L. Tyler
William E. Schmidt
David A. Walker
Chandran D. Kumar
Shawn K. Hunter
Sally J. Oliver, Of Counsel*

February 19, 2003

Mr. Mark E. Burchfield
9901 Mariah Cove
Austin, Texas 78746

Re: U.S. Patent Application No. 09/936,630
"Sensor"
Our Ref: IO-1009US

Dear Mr. Burchfield:

You are listed as a co-inventor in the referenced application. You previously signed the Declaration and Power of Attorney for this application which has been submitted to the U.S. Patent Office (USPTO). Since submission, the USPTO has requested a "substitute" declaration.

We are enclosing the Substitute Declaration and Power of Attorney for this application and would appreciate your signature and returning the original document to us as soon as possible. Your signature on this document will assist us in further prosecution of the U.S. application. Your help in this matter is greatly appreciated.

If you should have any questions, you can contact me directly by e-mail at tbynum@madanlaw.com or by calling 713/266-1130 Ext. 113.

Very truly yours,


Todd A. Bynum

/lee
Encls: As Noted

cc: Mr. Randy Schwartz (w/o encls)

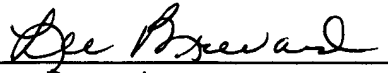
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>3/8/03</u></p>	
<p>1. Article Addressed to:</p> <p><u>Mark E. Burchfield</u> <u>9901 Mariah Cove</u> <u>Austin, TX</u> <u>78746</u></p>		<p>C. Signature <u>Mark Burchfield</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>Article Number (Copy from service label) _____</p> <p>PS Form 3811, July 1999</p>		<p>7000-0520-0023-5189-6224</p> <p>Domestic Return Receipt</p> <p>102595-00-M-0952</p>	

U.S. Postal Service	
<p>CERTIFIED MAIL RECEIPT (Domestic Mail Only: No Insurance Coverage Provided)</p>	
<p>Postage \$ _____</p> <p>Certified Fee \$ _____</p> <p>Receipt Fee \$ _____</p> <p>Restricted Delivery Fee (Endorsement Required) \$ _____</p> <p>Total Postage & Fees \$ <u>8.15</u></p>	
<p>Postmark Here</p>	
<p>Recipient's Name (Please Print Clearly) (To be completed by mailer)</p> <p>Street, Apt. No., or PO Box No.</p> <p>City, State, ZIP+4</p> <p>PS Form 3800, February 2000 See Reverse for Instructions</p>	

I asked Ms. Fisher for a telephone number for Mr. DeVolk on March 27, 2002. Ms. Fisher replied with a telephone number for Mr. DeVolk as (512) 258-2315. At the instruction of Mr. Bynum, I placed a telephone call to Mr. DeVolk and left a message on April 4, 2002. No reply or return call has been received to date.

Mr. Bynum requested that I prepare a new Declaration and Application review package and send it to Mr. DeVolk via Certified Mail, and I sent the package to Mr. Devolk using the last known address 8801 Ranch Road 620 North, Austin, Texas 78726-3500. I received the package unopened from the U.S. Postal Services marked as Return to Sender marked as insufficient address. I then provided the unopened package to Mr. Bynum.

Date: May 9, 2003



Lee Brevard